

Attorney Docket No.: 01CON222P
Serial No.: 09/264,065

REMARKS

In the non-final Office Action, dated December 1, 2003, the Examiner has found the Examiner's response to the previous final Office Action persuasive and withdrawn the finality of that action. Applicants acknowledge and appreciate the Examiner's action.

The Examiner has also rejected all pending claims 1 and 4-53 in view of a new cited reference. By the present amendment, applicants have amended claims 1, 4, 20, 31 and 42, and added new dependent claim 54. After the present amendment, claims 1 and 4-54 are pending in the present application. Reconsideration and allowance of pending claims 1 and 4-54 in view of the following remarks are respectfully requested.

A. Rejection of Claims 1 and 4-53 under 35 U.S.C. § 102(e)

The Examiner has rejected claims 1 and 4-53 under 35 U.S.C. § 102(e), as being anticipated by Lumpkin, et al. (USPN 5,943,505) ("Lumpkin"). Applicants respectfully disagree.

However, in order to further clarify the invention of claims 1, 4, 20, 31 and 42, applicants have amended these independent claims to recite that, for example, "said command information for controlling telephone line operations of said modem", as in claim 4. Applicants respectfully submit that Lumpkin's disclosure is merely concerned with a DMA interface and commands for operating the DMA interface and not commands for use by a modem for controlling telephone line operations of that modem.

Applicants respectfully submit that Lumpkin fails to disclose, teach or suggest at any place that any of the commands mentioned therein is for any purpose other than controlling the DMA interface. For example, at col. 8, line 64 - col. 9, line 36, Lumpkin describes "normal" and "supervisory" commands that can be communicated between the DTE and the DCE. As shown, the "normal" commands include read/write type commands for the interface. Further, at col. 17,

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line 42 - col. 18, line 18, Lumpkin describes the "supervisory" commands, which are used for controlling the transfer of data across the interface. Thus, as stated above, there is no mention in Lumpkin that the command information is used by the modem for controlling the telephone line operations of the modem.

To that end, the Examiner should note that the present application describes processing and executing "AT" commands, for example, commands for answering an incoming call, setting modem data transfer speed, etc. as part of command information. (See pages 1-5 of the present application.) Accordingly, the present amendments to claims 1, 4, 20, 31 and 42 are supported by the present application.

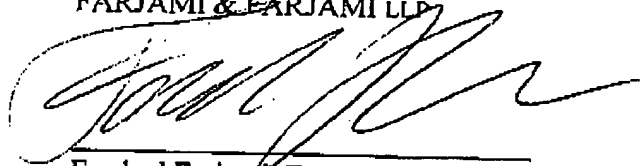
Furthermore, applicants have added a new dependent claim 54, which in addition to the steps of "receiving command information via a second logical channel" and "executing said command information" in claim 4, claim 54 also includes the steps of "monitoring said data information for embedded command information", and "executing said embedded command information for controlling telephone line operations of said modem." It is respectfully submitted the support for the new dependent claim 54 may be found on page 15, line 15 - page 16, line 13 of the present application. As stated therein, a modem operating according to the method of claim 54 may receive command information on both the first logical channel and the second logical channel. Applicants respectfully submits that claim 54 is patentably distinguishable over the cited references of record for one or more reasons stated herein and should be allowed.

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B. Conclusion



For all the foregoing reasons, an early allowance of claims 1 and 4-54 pending in the present application is respectfully requested. The Examiner is invited to contact the undersigned for any questions.

Respectfully Submitted;
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